

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

IN RE:)	Case No. 24 B 03127
)	
SHELIA GORE,)	Chapter 13
)	
Debtor(s))	Judge: JACQUELINE P. COX

NOTICE OF MOTION

Please take notice that on May 20, 2024, at 9:00 a.m., I will appear before the Honorable Judge JACQUELINE P. COX, or any judge sitting in the judge's place, **either** in Courtroom 680 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604 **or** electronically as described below, and present the **Trustee's Motion to Dismiss with Prejudice with 180 Day Bar From Refiling**, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, (1) go to this link: <https://www.zoomgov.com>
(2) Enter the meeting ID 1612732896. (3) Enter the passcode 778135.

To appear by Zoom using a telephone, (1) call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. (2) Enter the meeting ID 1612732896. (3) Enter passcode 778135.

When prompted identify yourself by stating your full name.

To reach Judge Cox's web page go to www.ilnb.uscourts.gov and click on the tab for Judges.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Respectfully Submitted,

/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

**UNITED STATES BANKRUPTCY COURT
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IN RE:) Case No. 24 B 03127
)
SHELIA GORE,) Chapter 13
	Debtor(s))
) Judge: JACQUELINE P. COX

TRUSTEE'S MOTION TO DISMISS WITH PREJUDICE
WITH 180 DAY BAR FROM REFILING

Now comes Thomas H. Hooper, Chapter 13 Trustee, pursuant to §349 and §1307 of the Bankruptcy Code, to move this Honorable Court for an order dismissing the Debtor's case with prejudice, and in support thereof states as follows:

1. The court has jurisdiction of this proceeding pursuant to 28 USC § 1334 and this is a core proceeding pursuant to 28 USC § 157(b).
2. The Debtor filed this voluntary petition under chapter 13 of the Bankruptcy Code on March 4, 2024.
3. A meeting pursuant to 11 U.S.C. § 341 was set for April 8, 2024. The meeting was continued twice for a failure to provide photo identification and proof of her Social Security Number. At the third set meeting, on May 3, 2024, the Debtor failed to appear.
4. The Debtor has not commenced monthly payments to the Trustee. The Debtor's Chapter 13 plan calls for payments of \$500.00 (although a plan term is not specified). In the over two months since the case was commenced, the Trustee has not received a payment from the Debtor.

PRIOR CASES

5. The Debtor filed four other cases in the two years prior to this case.
6. In case 24-01163, the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code on January 29, 2024. This case was dismissed on February 12, 2024, for a failure to timely obtain a credit counseling certificate.
7. In case 23-16233, the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code on December 4, 2023. This case was dismissed on January 22, 2024, for reasons including a failure to timely obtain a credit counseling certificate, a failure to attend a §341 meeting, a failure to file a Plan, and a failure to commence payments to the Trustee.
8. In case 23-06266, the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code on May 11, 2023. This case was dismissed on July 19, 2023, for reasons including a failure to file required documents (Chapter 13 Plan or Schedules), a failure to attend a § 341 meeting, and a failure to commence payments to the Trustee.
9. In case 22-15036, the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code on December 30, 2022. This case was dismissed on January 31, 2023, for a failure to file required documents (Chapter 13 Plan and Schedules). During that time, she did not make a payment to the Trustee.

ARGUMENT

10. A court may dismiss a bankruptcy case “for cause,” including “unreasonable delay by the debtor that is prejudicial to creditors” and a “failure to commence making timely payments under section 1326....” 11 U.S.C. § 1307(c).

11. In this case, the Debtor has caused unreasonable delay by failing to conclude a meeting pursuant to 11 U.S.C. § 341, despite multiple attempts.
12. The Debtor has also failed to commence making payments pursuant to 11 U.S.C. § 1326.
13. Further, pursuant to 11 U.S.C. § 349(a), the court may dismiss a case with prejudice “for cause.” *In re Leavitt*, 171 F.3d 1219, 1223 (9th Cir. 1999) (“Section 349(a) authorizes the bankruptcy court to dismiss the case with prejudice.”)
14. “Cause” is viewed through the totality of the circumstances, including “the debtor’s history of filings and dismissals.” *Id.* at 1224.
15. The Debtor has exhibited a pattern of conduct, including a repeated failure to commence monthly payments and a failure to engage with the examination procedure proscribed by 11 U.S.C. § 341, that abuses and frustrates the bankruptcy process.
16. In all five cases filed within the past two years, the Debtor has not concluded a § 341 meeting, nor has she made a single payment to a Chapter 13 Trustee.
17. Accordingly, the Trustee requests that the Debtor’s case be dismissed and that the Debtor be barred from refiling for 180 days.

WHEREFORE, the Trustee requests that this Court enter an order dismissing the case, barring the Debtor from refiling for a period of 180 days, and for any other relief deemed just and proper under the circumstances.

DATED May 6, 2024,

Respectfully Submitted,

/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

CERTIFICATE OF SERVICE

I, Chris Domann a non-attorney, declare under penalty of perjury under the laws of the United States of America that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown by U.S. mail or by the methods indicated on May 6, 2024.

Shelia Gore,
18019 Lorenz Ave.
Lansing, IL 60438

Via First Class US Mail

Patrick S Layng,
Office of the U.S. Trustee, Region 11
219 S Dearborn St, Room 873
Chicago, IL 60604

Via CM/ECF

/s/ Chris Domann

THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

